

### REMARKS

The present application was filed on July 24, 2003 with claims 1 through 32. Claims 1-19 and 21-32 are presently pending in the above-identified patent application. Claims 21 and 22 are proposed to be amended.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., Claims 1-19 and 21-32, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner.

In the Office Action, the Examiner objected to claims 21-22 because of indicated informalities. Claims 1, 10 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson (United States Patent No. 6,643,652) and in view of Fernandez (United States Patent No. 6,785,673). Claims 2 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Fernandez, and further in view of Chau et al. (United States Publication No. 2002/0123993). Claims 3, 11 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Fernandez and in further view of Jones (United States Publication No. 2004/010754) and further in view of O'Carroll (United States Patent No. 6,772,165). Claims 6, 15 and 29 are rejected under 35 U. S. C. §103(a) as being unpatentable over Helgeson, in view of Fernandez, Jones and of O'Carroll, in further view of Bernstein et al. (United States Patent No. 6,826,568) and further in view of Mani et al. (United States Patent No. 6,654,734). Claims 6, 8, 15, 17, 23 and 29 are rejected under 35 U. S. C. §103(a) as being unpatentable over Fernandez, Jones, O'Carroll, Bernstein and Mani. Claims 9, 18 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Helgeson, in view of Fernandez and in further view of W3C ("XSL Transformation (XSLT), Version 1.0).

Claims 4-5, 7, 12-14, 16, 21-22, 27-28 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 19 is allowed.

Formal Objections

In the Office Action, the Examiner objected to claims 21-22 because of the following informalities: Both claims are to recite a dependency on a cancelled claim. Claims 21-22 have been amended to update the claim dependency.

Independent Claims

Independent claims 1, 10 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by Helgeson in view of Fernandez.

*Claims 1 and 24*

With regard to claim 1, for example, the Examiner asserts that Helgeson teaches a method for exporting at least a portion of a relational database to an XML document. Helgeson is directed to methods and apparatus for managing data exchange among systems in a network.

With regards to claims 1 and 24, the Examiner asserts that Fernandez, column 2, lines 65-67, and col. 3, lines 23-54, disclose an “initial view query” that defines an XML view on a relational database. The Examiner further asserts that Helgeson, columns 49 and 73-74 disclose “modifying the initial view query to account for an effect of said at least one transformation (specified in an XLST stylesheet).”

As indicated in Applicants’ prior responses, a “view query” specifies a *mapping between the relational tables and the resulting XML document*. Helgeson does not disclose or suggest view queries. Column 80, lines 51-55, of Helgeson merely discloses that an XML document can be created from a database. While Helgeson may use the term “view” in the presentation sense, Helgeson does not use the term “view query,” nor does Helgeson address using view queries to map between relational tables and a resulting XML document.

In the Response to Arguments section, the Examiner asserts that Applicants are arguing features not recited in the claims (referencing the mapping between tables and an XML document). To the contrary, however, Applicants are merely referencing a well-accepted definition of the term “view query” to those of ordinary skill in the art.

In addition, since Helgeson is not addressing “view queries,” Helgeson does not disclose or suggest “*modifying the initial view query* to account for an effect of said at least one transformation (specified in an XLST stylesheet),” or “applying said modified view query to said relational database to obtain said XML document,” as further required by independent claims 1 and 24.

Likewise, Applicants can find no disclosure (and the Examiner has not alleged any) in Fernandez of “*modifying the initial view query* to account for an effect of said at least one transformation (specified in an XLST stylesheet),” or “applying said modified view query to said relational database to obtain said XML document,” as further required by independent claims 1 and 24.

Fernandez merely teaches that an XML view can be specified by a query in a declarative query language of a middleware system. See, col. 3, lines 25-27. There is no disclosure or suggestion that this view query is modified at all, or especially, “to account for an effect of said at least one transformation.”

In the Response to Arguments section, the Examiner references col. 3, lines 11-22 of Fernandez for its disclosure of mapping relational sources to XML views. Applicants can find no teaching in this passage, however, of modifying a *view query*.

Thus, even as combined in the manner suggested by the Examiner Helgeson and Fernandez *do not teach every element of the independent claims*. Furthermore, based on the KSR considerations discussed hereinafter, the combination/modification suggested by the Examiner is not appropriate. Other than to allege that the motivation to combine is the desire to obtain the result (“in order to obtain an XML document according to the transformation specified by an XSLT stylesheet”), the Examiner has failed to establish “an apparent reason to combine ... known elements.” *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007). Applicants query how this suggests an alleged combination to *modify the initial view query* to account for an effect of said at least one transformation (specified in an XLST stylesheet),” or “applying said modified view query to said relational database to obtain said XML document.” As discussed below, this is insufficient to satisfy the Examiner’s burden of proof under *KSR*.

Applicants are claiming a new technique for exporting at least a portion of a relational database to an XML document **by** “*modifying the initial view query* to account for an effect of said at least one transformation (specified in an XLST stylesheet),” and “applying said modified view query to said relational database **to obtain** said XML document.”

Initial view queries are not merely recited as an element of each claim, but rather the functional language requires that the initial view queries be modified to account for a transformation and then applied to a relational database to obtain the result. There is no suggestion in Helgeson or in Fernandez, alone or in combination, to modify initial view queries to account for a transformation and

then applied to a relational database to obtain the result. In addition, there is absolutely no suggestion to modify the *views* (purely in the presentation sense) of Helgeson with the *initial view queries* of Fernandez.

Finally, the Examiner asserts that the limitation “to obtain said XML document” should not be given patentable weight, as it is “an intended use.” To the contrary, however, this limitation provides additional functional language to describe the present invention and should be given patentable weight.

#### *Claim 10*

With regards to claim 10, the Examiner again asserts that Helgeson discloses composing an XSLT stylesheet (citing col. 51, lines 32-34) and Fernandez discloses (with) an XML view on said relational database to produce said modified view query (citing column 2, lines 65-67, and col. 3, lines 23-54). Applicants can find no disclosure or suggestion in Fernandez of generating a modified view query. The passages referenced by the Examiner merely teach that an XML view can be specified by a query in a declarative query language of a middleware system. See, col. 3, lines 25-27. There is no disclosure or suggestion that this view query is **modified**. Claim 10 emphasizes that the modified view query is generated against a relational database to produce an XML document.

Applicants submit that the KSR considerations addressed above with regard to claims 1 and 24 are equally applicable to claim 10.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 10, and 24.

#### Dependent Claims

Claims 2-9, 11-18, 20-23 and 25-32 are dependent on independent claims 1, 10, 19 and 24, respectively, and are therefore patentably distinguished over each of the cited references, alone or in combination, because of their dependency from independent claims 1, 10, 19 and 24, for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

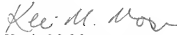
Claims 4-5, 7, 12-14, 16, 21-22, 27-28 and 30 were indicated to be allowable if rewritten in independent form

All of the pending claims following entry of the amendments, i.e., claims 1-19 and 21-32, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully,



Kevin M. Mason  
Attorney for Applicant(s)  
Reg. No. 36,597  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06824  
(203) 255-6560

Date: July 30, 2008